

CUSTOMER NO.: 24498
Serial No. 10/581,770
Reply to Office Action dated: 7/01/08
Response dated: 09/05/08

PATENT
PA030023

REMARKS

In the Office Action, the Examiner stated that claims 1-10 are pending in the application and that claims 2-3, 7, and 9-10 stand rejected. The Examiner further stated that claims 1, 4-6 and 8 are allowed. By this response, claims 1-3, 7 and 9 have been amended to correct for informalities pointed out by the Examiner.

In view of the amendments presented above, the Applicant respectfully submits that all of the Applicant's claims are now in allowable form.

Objections

The Examiner objected to claims 1 and 2 because of the following informalities:

Claim 1, line 2: "steps of" should be "steps of:"

Claim 1, line 7: "the optical medium" should be "the storage medium"

Claim 2, line 3: "CTL" should be "control".

In response the Applicant has amended claim 1 to replace "steps of" with "steps of:" and to replace "the optical medium" with "the storage medium" as suggested by the Examiner. In addition, the Applicant has amended claim 2 to delete "CTL". Having done so, the Applicant submits that the basis for the Examiner's objection to the Applicant's claims 1 and 2 has been removed and as such respectfully requests that the Examiner's objection to the Applicant's claims 1 and 2 be removed.

Rejections

A. 35 U.S.C. § 112

The Examiner rejected the Applicant's claims 2, 3, 7, 9 and 10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly claim the subject matter which applicant regards as the invention.

The Examiner indicates that claims 2, 3, 7, 9 and 10 recite the phrases "in particular" or "for example", which make it unclear whether the limitations described by these phrases are positive recitations or optional, rendering the scope of the claims indefinite.

In response, the Applicant has amended claims 2, 3, 7, 9 and 10 to delete the phrases "in particular" or "for example". Having done so, the Applicant submits that the

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basis for the Examiner's rejection of the Applicant's claims 2, 3, 7, 9 and 10 has been removed. Therefore, the Applicant submits that claims 2, 3, 7, 9 and 10 now comply with the provisions of under 35 U.S.C. § 112, second paragraph, and are patentable thereunder.

Conclusion

Thus the Applicant submits that all of the claims, presently in the application, now comply with the provisions of under 35 U.S.C. § 112, second paragraph, and are patentable thereunder. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,
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